

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON JOHNSON,

Petitioner,

v.

WARDEN,

Respondent.

No. 2:23-cv-00908-JDP (HC)

ORDER

Petitioner, a state prisoner at North Kern State Prison, has filed a document styled “Motion for Extension of Time,” seeking an extension of time to file a “Habeas Corpus 1983 U.S.C. (42).” Petitioner has filed no other pleadings. To commence an action, petitioner must file a petition for writ of habeas corpus as required by Rule 3 of the Rules Governing Section 2254 cases, and must either pay the required filing fee or file an application requesting leave to proceed *in forma pauperis*. See 28 U.S.C. §§ 1914(a), 1915(a). The court will not issue any orders granting or denying relief until an action has been properly commenced. Therefore, petitioner’s motion will be denied without prejudice. Petitioner will be provided the opportunity to file his petition, and to submit an application requesting leave to proceed *in forma pauperis* or to submit the appropriate filing fee.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner’s motion for extension of time, ECF No. 1, is denied without prejudice;

1 2. Petitioner is granted thirty days from the date of service of this order to file a petition
2 that complies with the requirements of the Rules Governing Section 2254 Cases, the Federal
3 Rules of Civil Procedure, and the Local Rules of Practice; the petition must bear the docket
4 number assigned this case; petitioner must file an original and two copies of the petition.
5 Petitioner shall also submit, within thirty days from the date of this order, the application to
6 proceed *in forma pauperis* on the form provided by the Clerk of Court, or the filing fee in the
7 amount of \$5.00. Petitioner's failure to comply with this order will result in a recommendation
8 that this matter be dismissed; and

9 3. The Clerk of the Court is directed to send petitioner the court's form for filing a
10 petition for writ of habeas corpus, and the application to proceed *in forma pauperis* by a prisoner.

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12 IT IS SO ORDERED.

13 Dated: May 23, 2023

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15 JEREMY D. PETERSON
16 UNITED STATES MAGISTRATE JUDGE
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